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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,124	04/26/1999	LOTHAR E. S. BUDIKE JR.	PWB-119C	2866

7590 10/14/2004

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EXAMINER
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DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/299,124

Applicant(s)

BUDIKE, LOTHAR E. S.

Examiner

Thomas A. Dixon

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 42-82 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. The petition to revive has been granted, this action is in response to the amendment filed 6/6/02.
2. Rejected claims 1-41 have been cancelled and claims 42-82 added.
3. The new abstract is acceptable.
4. The new drawings are not acceptable.

### ***Terminal Disclaimer***

5. The terminal disclaimer filed on 6/6/02 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,122,603 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 42-82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 42.

The claim is indefinite in that the preamble recites "for determining possible utility cost adjustments to enhance cost effectiveness" but contains no ability in the body of the claim to perform that function.

The phrase "master meter" is unclear, lines 4, 9, 11, 33, 35, and 40 of claim 42 refer to various meters "a multi-utility master meter device," "said master meter," "a multi-utility real time master meter" and "a single master meter."

The phrase "sufficient information" of line 13 is indefinite,

The phrase "and/or" of line 14 makes the claim indefinite.

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As per Claim 46.

The phrase "said housing" lacks antecedent basis.

As per Claim 54.

The phrase "at least three said interface gateways" lacks antecedent basis, lines 25/26 and 31/32 of claim 42 specify "at least two interface gateways."

As per Claim 55.

The phrase "master utility meter" lacks antecedent basis as the phrase "master meter" is unclear, lines 4, 9, 11, 33, 35, and 40 of claim 42 refer to various meters "a multi-utility master meter device," "said master meter," "a multi-utility real time master meter" and "a single master meter."

The phrase "said operational efficiency sensors" lacks antecedent basis.

The phrase "said utility cost and availability data" lacks antecedent basis.

As per Claim 56.

The phrase "master utility meter" lacks antecedent basis, as the phrase "master meter" is unclear, lines 4, 9, 11, 33, 35, and 40 of claim 42 refer to various meters "a multi-utility master meter device," "said master meter," "a multi-utility real time master meter" and "a single master meter."

The phrase "said operational efficiency sensors" lacks antecedent basis.

The phrase "said utility cost and availability data" lacks antecedent basis.

Further, it is unclear why line 10 ends with a colon rather than a semi-colon.

As per Claim 58.

The phrase "master meter" is unclear, lines 2, 7, 9, 31, 33, and 37/38 of claim 42 refer to various meters "a multi-utility master meter device," "said master meter," "a multi-utility real time master meter" and "a single master meter."

The phrase "sufficient information" of line 11 is indefinite,

The phrase "and/or" of line 12 makes the claim indefinite.

As per Claim 61.

The phrase "said master meter central processing unit" lacks antecedent basis, lines 2, 7, 9, 31, 33, and 37/38 of claim 42 refer to various master meters.

The phrase "on display" of line 4 is confusing.

As per Claim 62.

The phrase "said housing" lacks antecedent basis.

As per Claim 64.

The phrase "said utility meters" lacks antecedent basis, lines 4, 9, 11, 33, 35, and 40 of claim 42 refer to various master meters "a multi-utility master meter device," "said master meter," "a multi-utility real time master meter" and "a single master meter," but no "utility meters"

As per Claim 70.

The phrase "at least three said interface gateways" lacks antecedent basis, lines 23/24 and 29/30 of claim 58 specify "at least two interface gateways."

As per Claim 71.

The phrase "master utility meter" lacks antecedent basis, lines 4, 9, 11, 33, 35, and 40 of claim 42 refer to various master meters "a multi-utility master meter device," "said master meter, " "a multi-utility real time master meter" and "a single master meter."

The phrase "said operational efficiency sensors" lacks antecedent basis.

The phrase "said utility cost and availability data" lacks antecedent basis.

As per Claim 72.

The phrase "master utility meter" lacks antecedent basis, lines 4, 9, 11, 33, 35, and 40 of claim 42 refer to various master meters "a multi-utility master meter device," "said master meter, " "a multi-utility real time master meter" and "a single master meter."

The phrase "said operational efficiency sensors" lacks antecedent basis.

The phrase "said utility cost and availability data" lacks antecedent basis.

Further, it is unclear why line 12 ends with a colon rather than a semi-colon.

As per Claim 74.

The claim is indefinite in that the preamble recites "controlling individual utility systems within a facility" and "adjust and control utility consumption" but contains no ability in the body of the claim to perform that function.

As per Claim 77.

The phrase/punctuation "regions.ghing." is unclear.

As per Claim 80.

The phrase "at least three said interface gateways" lacks antecedent basis, lines 23/24 and 29/30 of claim 58 specify "at least two interface gateways."

As per Claim 81.

The phrase "master utility meter" lacks antecedent basis.

The phrase "said operational efficiency sensors" lacks antecedent basis.

The phrase "said utility cost and availability data" lacks antecedent basis.

As per Claim 82.

The phrase "master utility meter" lacks antecedent basis.

The phrase "said operational efficiency sensors" lacks antecedent basis.

The phrase "said utility cost and availability data" lacks antecedent basis.

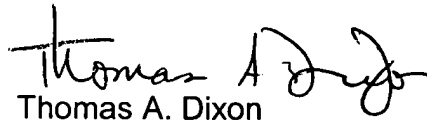
Further, it is unclear why line 12 ends with a colon rather than a semi-colon.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas A. Dixon  
Primary Examiner  
Art Unit 3629

September 04